



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,726	12/12/2003	David M. Murphy	2507-7830US (22120-US)	1945

60794 7590 04/21/2008
TRASKBRITT, P.C./ ALLIANT TECH SYSTEMS
P.O. BOX 2550
SALT LAKE CITY, UT 84110

EXAMINER

A, PHI DIEU TRAN

ART UNIT	PAPER NUMBER
----------	--------------

3633

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

04/21/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTOMail@traskbritt.com

Office Action Summary	Application No. 10/734,726	Applicant(s) MURPHY ET AL.	
	Examiner PHI D. A	Art Unit 3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 and 41 is/are pending in the application.
- 4a) Of the above claim(s) 4-6, 11-12, 14-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-10, 13, 20-25 and 41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3633

1. The indicated allowability of claim 7 is withdrawn in view of the newly discovered reference(s) to AEC. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 7-10, 13, 20-25, 41 are rejected under 35 U.S.C. 102(b) as being anticipated by AEC (New structure Phase I report with date back to March 1994).

AEC discloses on pages 1-58, especially pages 5 and 7, a deployable truss comprising: a plurality of column members connected at their ends to form a deployable truss that forms a rigid structure in a deployed state and that has a stowage volume less than its deployed volume in a collapsed state, wherein at least some of the plurality of column members comprise column assemblies including a plurality of at least three strut members, each strut member of an associated column assembly being connected to each other strut member of the associated column assembly at a first end of the column assembly and at a second end of the column assembly, wherein strut members of a column assembly are substantially symmetrically arranged about a centerline of the column assembly, wherein strut members of a column assembly are further connected to each other at a location between the first and second ends of the column assembly when the truss is in the deployed state, wherein at least some of the strut members of the column assembly exhibit a substantially helical twist about a longitudinal centerline of the

Art Unit: 3633

column assembly, wherein each column assembly further comprises a spacer connecting the plurality of strut members of the column assembly at a location between the first end and the second end of the column assembly, wherein the spacer connects the strut member of the column assembly near a midpoint between the first and second ends of the column assembly, wherein the spacer is collapsible to a stowed configuration when the truss is in the collapsed state and expandable to a deployed configuration that radially spaces the plurality of strut members of the column assembly away from a longitudinal centerline of the column assembly when the truss is in the deployed state, wherein the plurality of strut members of the column assembly taper toward a centerline of the column assembly at the first end and the second end of the column assembly when the truss is in the deployed state, wherein at least some of the plurality of strut members comprise tubes, wherein at least one of the plurality of strut members comprises a rod, wherein each of the plurality of strut members is formed from a continuous fiber reinforced composite material, wherein the continuous fiber reinforced composite material comprises glass fibers, wherein the continuous fiber reinforced composite material comprises graphite fibers, wherein each of the column assemblies is tapered on at least one end, a plurality of column members connected at their ends to form a deployable truss that forms a rigid structure in a deployed state and that has a stowage volume less than its deployed volume in a collapsed state, wherein at least some of the plurality of column members comprise column assemblies including a plurality of strut members, each strut member of an associated column assembly being connected to each other strut member of the associated column assembly at a first end of the column assembly and at a second end of the column assembly, wherein strut members of a column assembly are further connected to each other at a location between the first and second

Art Unit: 3633

ends of the column assembly when the truss is in the deployed state, and wherein at least some of the strut members of the column assembly exhibit a substantially helical twist about a longitudinal centerline of the column assembly.

Response to Arguments

3. Applicant's arguments with respect to claims 1-3, 7-10, 13, 20-25, 41 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3633

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Phi D A/
Examiner, Art Unit 3633

Phi Dieu Tran A

4/13/08